

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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BARLEY TRUCKING AND  
EXCAVATING, INC.,

Plaintiff,

v.

Case No. 07-C-779

CITY OF OCONTO,

Defendant.

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**DECISION AND ORDER**

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Defendant, the City of Oconto, has filed an expedited motion to compel production of financial documents it deems relevant. In concert with that request, it also seeks an expansion of the discovery deadline by an appropriate period of time. The documents in question are being sought by Oconto's expert, a CPA, who believes the Plaintiff's financial records are necessary to validate certain calculations Plaintiff made in assessing its damages. (Nicks Aff., Ex. 1.) Although such records are conceivably relevant in the abstract (the Plaintiff denies their relevance), there is no explanation for why they were not sought until so late in the case, and after the already-extended expert and discovery deadlines.

Moreover, there is no indication that the matter is even ripe for the Court's resolution, as the motion to compel was filed without the parties having convened to attempt to resolve the matter. *See Civil L. R. 37.1* (requiring parties to file evidence of "sincere attempts to resolve their differences").

Accordingly, the motion to compel and extend the discovery deadline is **DENIED**.

**SO ORDERED** this 21st day of August, 2008.

s/ William C. Griesbach

William C. Griesbach

United States District Judge